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March 1, 2024

VIA ECF

The Honorable Judge Margaret M. Garnett
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: *Chapman et al. v. City Winery NY-Pier 57, LLC*
Case No. 1:23-cv-02778(LGS)

Dear Judge Garnett:

We represent defendant City Winery NY-Pier 57, LLC (“Defendant”) in the above-captioned matter. We write in opposition to Plaintiff’s motion for reconsideration of the Court’s order granting an extension of the Opt-In Plaintiff’s discovery deadline through April 22, 2024.

There is no basis for reconsideration of the Court’s order. As Defendant noted in its extension letter motion, Defendant requires the additional time to schedule and complete deposition of the twenty-two (22) opt-in Plaintiffs, as well as to complete written discovery for the opt-in Plaintiffs. As also noted in Defendant’s letter motion, Defendant requires the additional time after confirmation of the universe of opt-in Plaintiffs to complete written discovery and depositions and due to other conflicts in unrelated matters it was not possible or feasible to schedule and complete depositions over the past few weeks.

It should be noted that this is Defendant’s first request for an extension of the Opt-In Plaintiff deadline and that Defendant extended the courtesy of consenting to Plaintiff’s request for an extension of the initial (not Opt-In) discovery deadline when Plaintiff sought a **90-day** extension of the deadline in September 2023.¹ See ECF Dkt. No. 48. Additionally, after this extension request was denied by the Court, Plaintiff modified his extension request to 30 days and Defendant took no position on the request instead of opposing it like Plaintiff is doing here. See ECF Dkt. Nos. 50, 52. Moreover, it is worth noting again that Plaintiff explicitly opposes the requested extension because he believes that the discovery demands propounded by Defendant seek voluminous and

¹ Although the extension request was made jointly, it was Plaintiff that initiated the request and who asked Defendant for consent.

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irrelevant information. It is apparent that Plaintiff's refusal to consent stems not from any purported concern about adherence to discovery deadlines but from a lack of willingness to respond to Defendant's discovery requests which is clearly not a sufficient basis to deny the requested (and granted) extension.

In other words, there is no basis to reconsider this Court's decision to extend the Opt-In Plaintiff discovery deadline and Plaintiff's reconsideration request should be denied.

Thank you for your time and consideration.

Respectfully Submitted,

/s/ Paul J. Rutigliano

Paul J. Rutigliano

Partner

cc:

Plaintiff's attorney (via ECF)